

**REMARKS**

[001] Favorable reconsideration in view of the herewith-presented amendments and remarks is respectfully requested. Claims 1-52 were pending in this application. Claims 10-38 and 48-52 are withdrawn from consideration.

[002] **RESPONSE REGARDING ALLEGED INFORMALITIES AND OBJECTIONS**

[003] The Specification has been objected to because of informalities.

[004] The Abstract of the disclosure is now presented on a separate sheet.

[005] Please strike "...and correspond to claims 1 to 13 of the earlier German patent application P 44 10 475.8" on page 12 as shown in the mark up in the specification section of this paper.

[006] The objection to page 13, ll. 1-13 is traversed. Applicant notes that the figures referred to as "corresponding...from the earlier application" are included as Figures 1 to 9. This reference is not toward the claims but toward the figures unlike the reference in lines 13-30 on page 12 which is towards the claims.

[007] Claims 3-8 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Applicants have reviewed the present claims and have amended the claims so as to remedy the technical objections raised by the Examiner. Reconsideration and withdrawal of this rejection is requested.

[008] The amendments as presented herewith are believed to overcome the Examiner's formal objections. Additionally, Applicants believe that the Examiner's technical objections have been overcome and withdrawal of the rejections is requested.

[009] **RESPONSE REGARDING ALLEGED 102(b)/(e) AND 103(a) REJECTIONS**

[010] Claims 1-5, 9, 39, 45 and 46 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,125,524 to Mueller ("Mueller"). Additionally, Claims 1-5, 9, 39, 45 and 46 are rejected under 35 U.S.C. §102(e) as being anticipated by International Application No. WO 95/26256 to Mueller ("Mueller '256"). Claim 47 was rejected under 35 U.S.C. §103(a) as being unpatentable over Mueller '256. Applicants respectfully traverse these rejections.

[011] The present application is a 371 of PCT/EP96/04188, filed 9/25/1996, which claims benefit of DE 19535537.7, filed 9/25/1995.

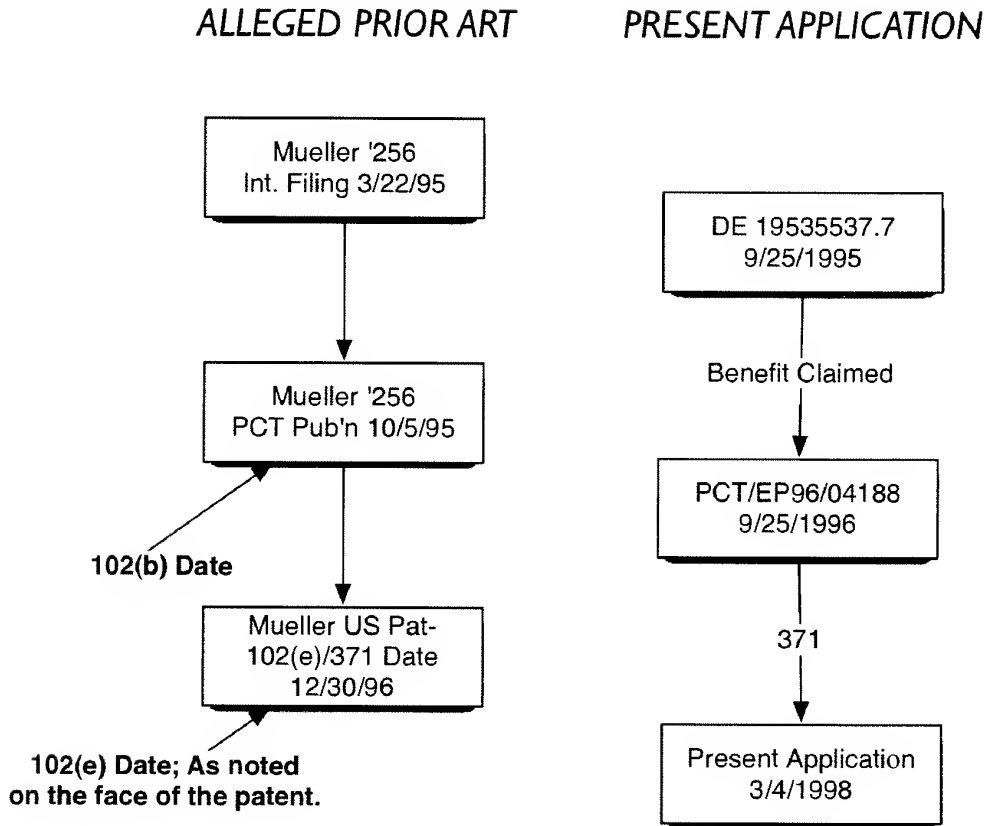
- [012] The Mueller reference has a filing date (and 102(e)/371 date **as shown on the face of the patent**<sup>1</sup>) of 12/30/1996. The effective prior art date is 12/30/1996.
- [013] The Mueller '256 reference has a publication date of 10/5/1995 and an international filing date of 3/22/ 1995.
- i. The effective prior art date of this reference for 102(b) purposes is no sooner than 10/5/1995.
  - ii. The reference has an effective prior art date of 12/30/1996 for 102(e) purposes.<sup>2</sup> The 102(e) date is such because the application issued as a US patent, meeting its 371(c) requirements on that date. See footnote 2.
- [014] **The critical prior art date for the current application with regards to 102(e) art is 9/25/1995.** This pre-dates the filing date, 102(e), and effective prior art date of the Mueller reference. With regards to the '256 reference, the 102(e) date (and effective prior art date) is 10/5/1995. **The effective filing date and critical prior art date of the present application for 102(b) purposes is 9/25/1996.** Neither reference is a 102(b) bar since neither was published more than one year before the effective filing date of the present application.
- [015] Since neither reference is prior art, Applicant respectfully requests withdrawal of the 102(b)/(e) and corresponding 103(a) rejections. Claim 40 should likewise be allowed.

---

<sup>1</sup> Please note, the Mueller US patent is the national phase filing of the PCT application that the Office Action cites as alleged prior art. The prior art date for the PCT is determined by the date the application fulfilled the requirements of 371, which, as shown on the face of the corresponding US application, is 12/30/96.

<sup>2</sup> In particular, MPEP 1893.03(b): "Availability as a prior art reference under former 35 U.S.C. **102(e)** (prior to the amendment by the American Inventors Protection Act of 1999 (AIPA) (Pub. L. 106-113, 113 Stat. 1501 (1999)). **If a U.S. patent issued from an international application filed prior to November 29, 2000, the international application was not considered to have been filed in the United States for prior art purposes under 35 U.S.C. 102(e) and PCT Article 64(4)(a) until the date the application fulfilled the requirements of 35 U.S.C. 371(c) (1), (2), and (4).**" (emphasis added)

[016] The following chart illustrates the above:



*Prior Art for 102(e) purposes must be at least before 9/25/1996;  
Prior Art for 102(b) purposes must be before 9/25/1995 (one year prior to 9/25/1996)*

*Note: MPEP 2136.03: Reference's Foreign Priority Date under 35 USC 119(a)-(d) and (f)  
Cannot Be Used as the 35 U.S.C. 102(e) Reference Date.*

[017]

[018] In the alternative, Applicant notes that neither the '524 reference nor the WO95/26256 document show the pre-forming of a collar of material such as 120 in the present application (for example in Figs. 13 14 and 18). Thus this feature of claim 1, as amended, and of claim 39 (the cone shaped portion) is not disclosed by either Mueller reference and therefore the present claims are neither anticipated nor obvious over these citations. The additional references cited but not

referred to also do not show the pre-forming of a collar or conical portion, as claimed, which is subsequently deformed radially inwardly into a thread of a bolt element.

[019] In conclusion, it is believed that all of the pending elected claims are in condition for allowance. Early and favorable action by the Examiner is earnestly solicited.

**AUTHORIZATION**

If the Examiner believes that issues may be resolved by telephone interview, the Examiner is respectfully urged to telephone the undersigned at (212) 309-1214. The undersigned may also be contacted by e-mail at gcr@hunton.com

No additional fee is believed to be necessary other than the three month extension of time fee. The Commissioner is hereby authorized to charge any additional fees which may be required for this amendment, or credit any overpayment to Deposit Account No. 50-2536.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-2536.

Dated: October 9, 2007

By: Respectfully submitted,



Eugene C. Rzucidlo  
Registration No. 31,900  
Customer Number: 58785  
Hunton & Williams, LLP  
200 Park Avenue  
52<sup>nd</sup> Floor  
New York, NY 10166